



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: June 11, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **John J. Flatley Company (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a site plan to construct 240 multi-family residences, clubhouse, and associated parking and drainage improvements, per the requirements of the Flatley mixed use Conditional Use Permit. The parcels are located at # 645, 673, 685, 703 and 707 D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05 & 003-06.

Background: The applicant received conditional final approval on November 18, 2014 for a Conditional Use Permit to permit a future mixed-use development consisting of industrial, multi-family residential, commercial, restaurant, and retail uses. Parcels are located at # 645, 673, 685, 703 and 707 D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Please refer to the attached memo and decision letter from November 2014.

Phase 1 of the project is to consist of four (4) of the five (5) proposed multi-family apartment buildings, as approved by the Board and is the subject of the current site plan application. Updated traffic and fiscal impact studies, as well as a stormwater management report are included for the proposed multi-family apartment buildings site plan.

Peer review on the site plan application has not yet been authorized as the Community Development Department has not yet received the required escrow. CD staff participated in a meeting with the applicant and MVD on June 10, 2015 to determine the proper peer review process and is hopeful that escrow will be received before the June 16th PB Meeting.

Completeness: At this time, the conditional final approval for the Conditional Use Permit granted on November 18, 2014 has not been finalized (and signed by the Board), which would allow the multi-family residential use in this district. Please see the attached memo for items to be addressed for finalization. Staff recommends that the Board either continue the application to a date certain (likely July 21, 2015), or finds the application to be incomplete. Staff recommends that a finding of an incomplete application only be made if the applicant is unwilling to allow for a continuance.

Waivers: The applicant has not requested any waivers at this time. Staff expects that, at minimum, a parking waiver will be sought for the project; however it is too early in the process to know if other waivers will be necessary. Waivers can be considered at a future hearing on this project.

Recommendation: Assuming the Board continues the application to a date certain (or finds the application to be incomplete); we recommend the applicant be prepared to address the following items with any resubmitted application:

1. Summary of the findings for Stormwater management Analysis;

2. An updated Fiscal Impact Analysis for the subject site plan, relative to the multi-family portion of the entire mixed use project;
3. Lighting and Landscape plans (marked as “pending” on the site plan submitted);
4. Site Plan depicts 5 multi-family residential apartment buildings. The conditionally approved CUP includes 4 of these buildings in Phase 1. The phasing must be indicated on the site plan and in the notes that only 4 can be approved during this phase, consistent with the CUP approval and development agreement;
5. Staff recommends indicating project phasing of the entire project on the cover sheet;
6. Staff recommends addressing multiple typos throughout the plan set;
7. Please update Note #19 on Sheet 2 to the current chapter no. 167 of the town code for the stormwater ordinance;
8. The CDD reserves the right to provide further comments after revisions to the current plan set are received;
9. The applicant will need to obtain all applicable state permits (AOT, NHDOT, etc.);
10. Public Works recommends that the project connect to the R.O.W. of Allen Road with either a full town standard road or emergency access road;
11. The applicant should be prepared to address comments from all Town Departments, Board and Committees, as applicable;
12. Staff recommends that the applicant coordinate with the Lower Merrimack River Local Advisory Committee (LMRLAC) early in the process, as LMRLAC has jurisdiction for comments on this project (as it is within ¼ mile of the Merrimack River).

Cc: File
Correspondence
John J. Flatley Company, Applicant/Owner

Ec: Fire Captain John Manuele
Kyle Fox, Deputy Director of Public Works/Town Engineer
Ken Conaty & Jim Taylor, Wastewater Division
Building Official Fred Kelley
Carol Miner, Building Department